

Program Budget Narratives

Justice

Courts

Mission

The mission of the Courts is to decide cases, manage the operation of the State's justice system, and regulate the practice of law.

Summary of Activities

Three separate courts – the Supreme Court, the Court of Appeals, and the Tax Court – are part of the Courts system. The system also includes the Clerk of Courts.

The Supreme Court is the court of last resort in Indiana. As such, it is the final voice on the interpretation of the laws of this State. Cases coming before the Indiana Supreme Court are decided by a panel of five Justices. In addition to having jurisdiction over all capital cases, the Supreme Court has exclusive jurisdiction over the admission and discipline of attorneys and the supervision and discipline of judges. The Court also manages the operation of the State's trial court systems. The Legislature and the Court have established various divisions, agencies, boards, commissions, and committees to assist the Court with its broad responsibilities, including: the Divisions of State Court and Supreme Court Administration, the Disciplinary Commission, the Judicial Center, the Board of Law Examiners, the Continuing Legal Education Commission, the Judicial Qualifications Commission, the Judges and Lawyers Assistance Committee, and the Race and Gender Fairness Commission.



The Indiana Supreme Court

Back Row: Justice Frank Sullivan, Jr., Chief Justice of Indiana Randall T. Shepard, Justice Brent E. Dickson

Front Row: Justice Robert D. Rucker, Justice Theodore R. Boehm

The Court of Appeals is an intermediate appellate court with initial general jurisdiction over almost all appeals arising in the trial courts of Indiana, as well as appeals from the Worker's Compensation Board, the Department of Workforce Development, the Utility Regulatory Commission, and the Civil Rights Commission. The Court of Appeals is composed of fifteen Judges with cases decided by rotating panels of three Judges.

The Tax Court has jurisdiction over appeals from final determinations of the State Department of Revenue and the State Board of Tax Commissioners.

The Clerk of the Court is responsible for receiving all filings for the Supreme Court, Court of Appeals, and Tax Court, and transmitting those filings to the appropriate court administration. The Clerk maintains the dockets for all filed cases, transmits all orders and opinions handed down by the three courts, and is responsible for maintaining, safekeeping, and archiving closed case files. The Clerk of the Court also maintains the roll of attorneys in Indiana, collects attorney registration fees, and swears-in new attorneys. The Clerk's office is a primary point of contact between the bar and the appellate courts.

External Factors

The Court system is externally affected by the number of civil law suits filed, the number of criminal prosecutions commenced in Indiana, and the number of appeals taken by litigants in Indiana. All these activities have steadily increased over time.

Evaluation and Accomplishments

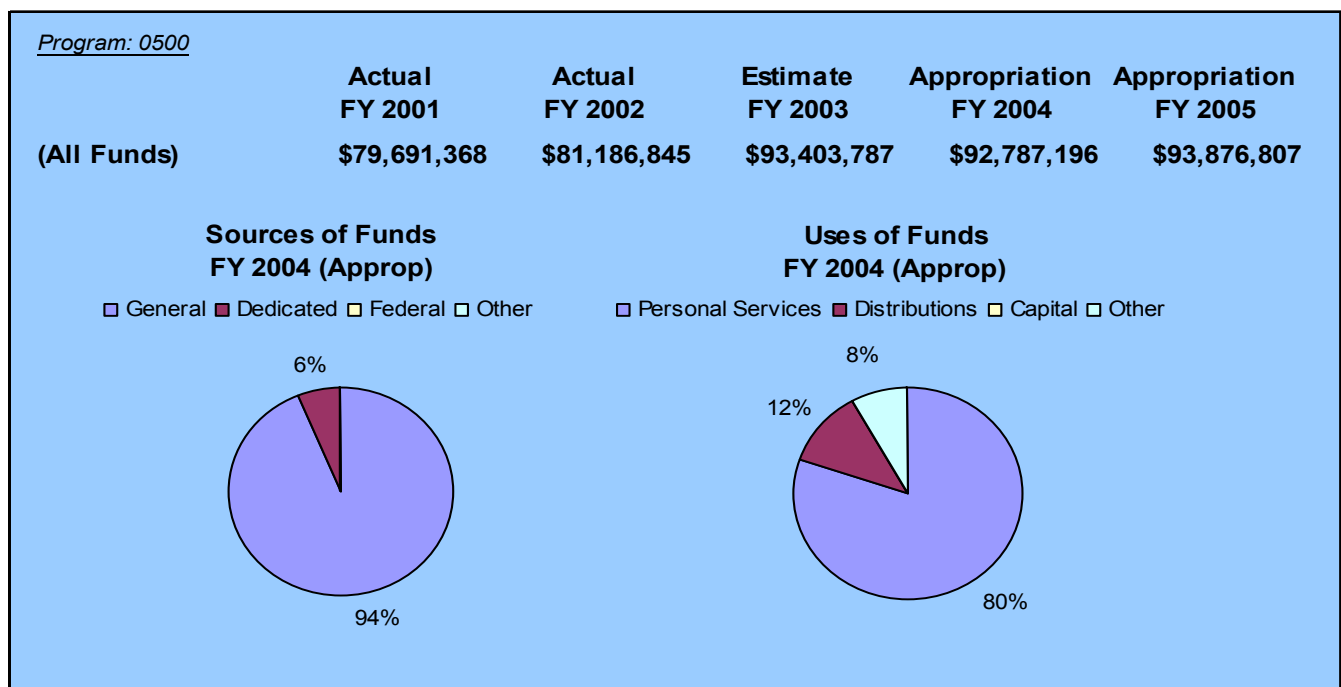
The Indiana Court of Appeals disposes of roughly 2,100 appeals per year. The Supreme Court disposes of around 1,000 cases per year. The Tax Court handles about 130 cases each year. The cases are generally decided promptly. For example, the average age of cases pending before the Court of Appeals is only about one and a half months.



**The Indiana
Court of Appeals**

Plans for the Biennium

The Court of Appeals plans to keep the time it takes to decide appeals at its current low level, despite increasing caseloads. One of the most important ongoing initiatives of the Court system to keep pace with the expanding demand for court services is the integration of the use of technology in the trial courts throughout the State. The Judicial Technology and Automation Committee has been formed to address that issue. Implementation of a comprehensive plan is underway to improve trial court computerized case management systems and the sharing of electronic data with and among (1) trial and appellate courts and courts' clerks, (2) county-base and statewide agencies and organizations that provide information to and receive information from courts and court clerks, (3) the general public, and (4) the General Assembly and other state policymakers. The Supreme Court is also very concerned with ensuring gender and racial equity, and the Race and Gender Fairness Commission will be assisting the Court system in that regard.



Judicial Programs and Services

Mission

To provide support to the courts and court personnel to make their efforts more effective.

Summary of Activities

The **Supreme Court** of Indiana, through its judicial programs and services, seeks to enhance the public's access to justice by implementing programs aimed to increase the efficiency of the state's court system.

The Office of Guardian Ad Litem/Court Appointed Special Advocates administers partial State funding to eighty counties to provide services to victims of child abuse and neglect. In eleven counties, the Court has instituted Family Courts pilot projects, the goal of which is to integrate all legal proceedings involving the family before a single judge. The Race and Gender Fairness Commission has been working to develop ways to make sure that justice is dispensed fairly in Indiana.

The Conference for Legal Education Opportunity, which the Court administers, provides minority and disadvantaged law students with assistance in their transition to and completion of law school. Each year the program admits 30 students.

The Court is seeking to improve the public's access to information about the courts. The Judicial Technology and Automation Committee has been formed to address that issue. Implementation of a comprehensive plan is underway to improve trial court computerized case management systems and the sharing of electronic data. Finally, the Court ensures that the state's judicial officials are working where they are needed most by using "weighted caseload measures" to apportion the shortage of judicial officials among existing judicial officers.

The Indiana Judicial Conference, through the **Indiana Judicial Center**, provides a variety of services for judicial officers, court personnel, and the public. The Conference provides continuing legal education for the State's judges, trains probation officers, administers the court alcohol and drug program, administers the Interstate Compact for the transfer of probationers to and from Indiana, and maintains a roster of juvenile residential placement facilities. The Conference assists the Supreme Court in the formulation of policies on judicial administration, juvenile justice, drafts books to assist trial judges, prepares legal guidelines, and in cooperation with the Indiana Judges Association, publishes the pattern jury instructions in use in Indiana.

The **Prosecuting Attorneys Council** further assists state judicial officials by providing legal research, training, information technology assistance, and legislative liaison functions to county prosecuting attorneys and their deputies.

External Factors

Court judicial services and programs are externally affected by the number of civil law suits filed and by the number of criminal prosecutions commenced in Indiana. In 2001, the trial courts in Indiana disposed of 1,779,280 cases, the highest number in Indiana history. Each new case filed may, for example, directly or indirectly increase the amount of pauper funding needed, the level of resources needed for regulation of the legal profession, or the number of citizens seeking access to or information about the courts. All activities associated with meeting these demands have steadily increased over time.

Evaluation and Accomplishments

Growing caseloads have resulted in increased demand for services provided by the Court. Despite the increased demand, access to justice is also at an all-time high thanks to Court initiatives. Besides program increases in the areas of race and gender fairness awareness and access to information through the internet, the Court has been active in encouraging the growth of local pro bono organizing committees to help provide poor people with civil legal problems with free or low cost legal representation.



Similarly, through the Public Defender Commission, the Court continues to administer a program of reimbursements to counties for pauper defense services in capital and non-capital cases.

In addition, the Court has been active in revising the jury rules and is in the process of evaluating major changes to the rules governing the ethical obligations of lawyers.

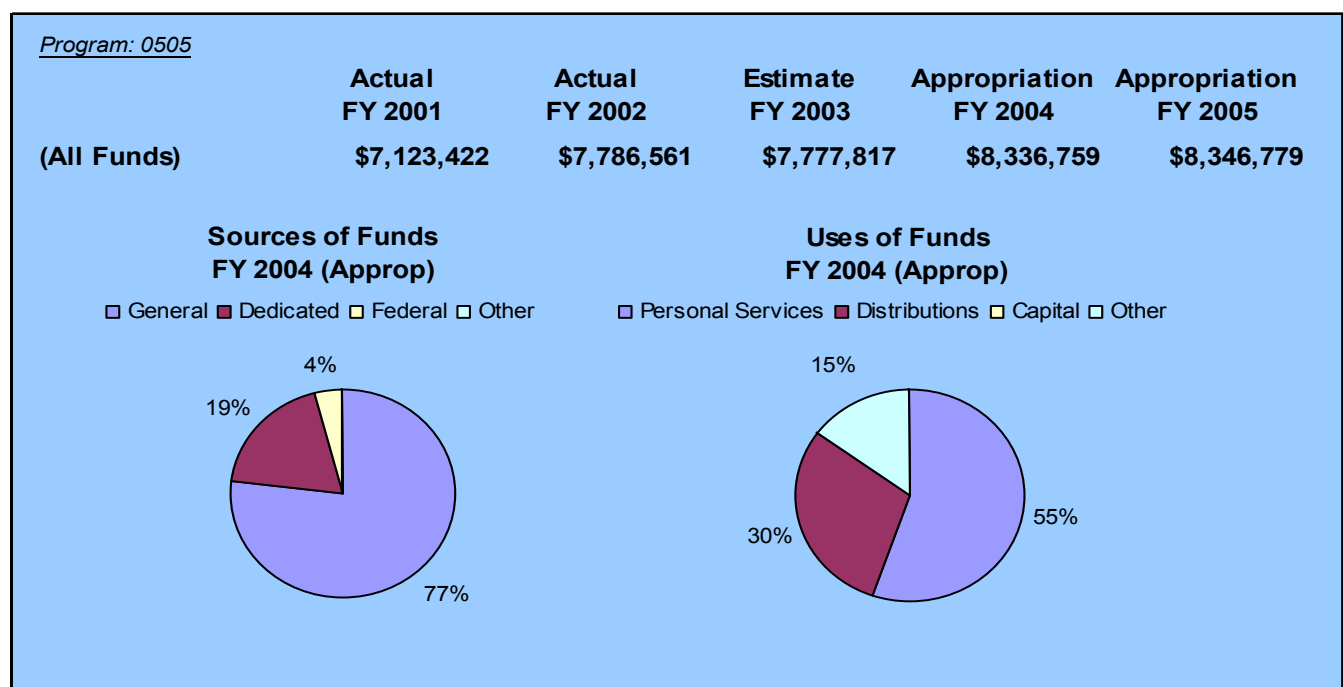


The Lake County Courthouse

Plans for the Biennium

A more mobile population has multiplied the numbers of probationers and parolees transferred to and from Indiana. To address the concerns that come with the tracking of these persons, the 113th Indiana General Assembly passed legislation to join the new national Interstate Compact. The Judicial Center will administer the Compact in Indiana.

The judicial offices hope to continue and expand the programs identified above. The Court seeks to decide cases fairly and promptly, to integrate the use of technology in the State's trial courts with a standardized case management system, to ensure access to justice for all regardless of income or language barriers, to oversee a well-run trial court system, and to maintain high standards for the practice of law in Indiana.



Public Defense

Mission

Public Defender of Indiana: To assure fundamental fairness in criminal and juvenile cases resulting in incarceration by providing factual and legal investigation in all capital cases and in juvenile and non-capital cases at the indigent inmate's request, and representation at hearing and on appeal when the post conviction action has arguable merit, at state expense. To provide competent counsel for trial and direct appeal at county expense, when local counsel cannot represent the indigent defendant. The **Indiana Public Defender Council** provides training and research support to public defenders across the state. The **Public Defender Commission** promulgates and assures compliance with standards for 1) all capital defense, reimbursing counties for 50% of capital defense costs, and 2) all felony and juvenile cases, reimbursing participating counties 40% of felony and juvenile defense costs.

Summary of Activities

Legal services for indigent defendants are provided by counties at the trial and direct appeal level, at county expense. The **Public Defender of Indiana** provides counsel at the post-conviction level.

These agencies constitute an integral part of Indiana's system for guaranteeing the fairness of criminal proceedings resulting in loss of life or liberty. Indiana has a long history of recognizing and respecting the right of any individual accused of a crime to the assistance of counsel. Indiana's Constitution explicitly establishes the right to counsel for the accused at trial and guarantees the right to appeal, with the assistance of counsel, in all criminal cases. The Public Defender's clients are indigents sentenced to death whose sentences have been affirmed by the Indiana Supreme Court on direct appeal, and all others serving sentences in the **Department of Correction** who file petitions seeking relief.

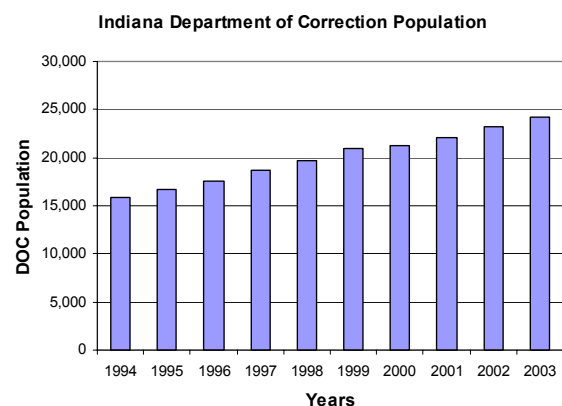


Indiana afforded publicly paid counsel to those accused of crimes and financially unable to hire an attorney long before this was required by the United States Supreme Court — *Webb v. Baird*, 6 Ind. 13 (1854). Indiana was one of the first states in this nation to provide for review in criminal cases where no direct appeal was available, in *Sanders v. State*, 85 Ind. 318 (1883), where the accused pled guilty to avoid imminent lynching by a mob. Post-conviction relief in Indiana is available to those who plead guilty or who have appealed without being able to raise all challenges to their convictions or sentences on direct appeal. The Public Defender of Indiana represents all those sentenced to death who cannot hire counsel and investigates the cases of other indigent inmates who seek review, advising them as to the merit of their cases and litigating those with merit. The Public Defender Commission assists counties financially by providing partial reimbursement for public defense costs from the Public Defense Fund. All counties are eligible for reimbursement of capital expenses. Counties must establish programs with standards for delivery of defense services to receive 40% reimbursement of defense costs in felony and juvenile cases.

External Factors

The primary factors affecting the Public Defender Council and the Public Defender Commission are overall crime rates and charging decisions made by prosecutors, particularly when prosecutors seek the death penalty. The Commission and Defense Fund are also affected by the number of counties qualifying for 40% reimbursement of non-capital defense costs. A factor that affects the Public Defender of Indiana is the steadily increasing population of the **Indiana Department of Correction**.

The population of the Indiana Department of Correction has increased from under 8,000 in 1981 to 21,854 in May, 2003. The Public Defender is also affected by federal law regarding habeas corpus actions.



Evaluation and Accomplishments

While the Public Defender's caseload has grown as a result of the number of inmates filing petitions for post-conviction relief (640 such petitions were received in FY 02-03), the office strives to provide timely case review and competent representation in meritorious cases. Since receiving the discretion to refuse to litigate cases without arguable merit, after full factual and legal investigation, in 1991, 2,600 cases have been closed as without merit. Capital cases have been expeditiously investigated and litigated pursuant to Supreme Court order and there has been less delay in non-capital case evaluation and litigation.

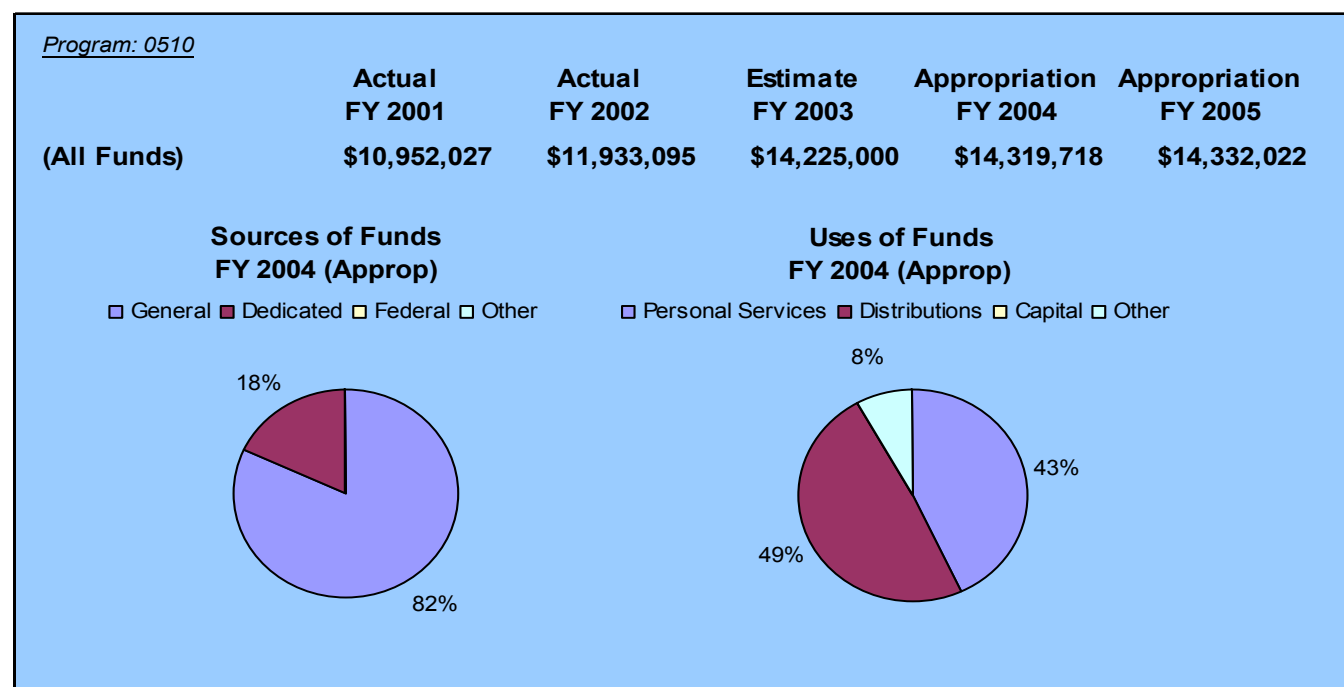


This work has resulted in significant relief for a number of clients. Fourteen capital clients have been permanently removed from death row through the efforts of the capital deputies. Most importantly, investigation and representation have directly resulted in the release of at least four totally innocent individuals: one who was sentenced to death in 1983, one who was incarcerated eight years for rape, one who served seventeen years for a murder he had not committed, and another who served four years for sex offenses committed by two others. Two of these cases involved DNA testing.

The number of counties participating in the Public Defense Fund program has increased from 13 in January 1999 to 48 in March, 2003. Reimbursements have more than doubled since 1990. By March, 2003, counties had received \$5.58 million in capital case reimbursements and \$21.73 million in non-capital case reimbursement.

Plans for the Biennium

Funding will continue for the Public Defender Commission, in order to accommodate current county reimbursement and projected increases in the number of counties participating in the Public Defense Fund assistance program. The Fund has been required to prorate non-capital reimbursements due to funding limitations.



Victim Assistance

Mission

To assist victims and witnesses, and their family members, to treat them with dignity and respect, to keep them informed of adult and juvenile offenders release, or potential releases, to ease the burden of crime victims and to encourage their participation in the criminal justice process.

Summary of Activities

Each year the Indiana Criminal Justice Institute awards millions of state and federal grant dollars to programs that provide services to crime victims. Money to fund these grant programs come from fines and fees levied against criminal defendants. Federal grant funds are awarded to agencies that provide direct services to crime victims. State victim assistance grant funds go to victim assistance programs operated in Indiana law enforcement and prosecutor offices.



Beyond the emotional suffering, one of the greatest challenges victims of violent crime face is recovering their financial health. The violent crime victim compensation program provides financial assistance to crime victims who have been physically injured and surviving spouses or dependent children of victims who die as a result of a crime. As with the victim assistance grant money, funds for the victim compensation program come largely from fees assessed against offenders at both the state and federal level.

The Department of Correction (DOC) Victim/Witness Services Program notifies victims and witnesses when their offender (1) is scheduled to be discharged, (2) is paroled either in-state or out-of-state, (3) is going on probation, (4) is scheduled for a parole or clemency hearing, (5) is transferred to a minimum security level, a DOC Work Release or Community Transition Program, or (6) escapes or dies.

Victim Assistance Programs also provide other services to crime victims, witnesses, and potential victims such as: (1) crisis counseling, (2) in-person and telephone contact, (3) providing post-sentencing reports, (4) providing support and assistance in the filing of temporary restraining and other protective order, and (5) assisting the victim in filing claims to obtaining compensation.

External Factors

Many crimes still carry a very deep seeded social stigma - especially crimes involving family violence and sexual assault. Victims of these crimes often are reluctant to come forward and take advantage of the services available. For victims of all types of crimes, services can be fragmented and in the most rural parts of our state may not be available at all. Another factor affecting these services is the nature of the primary funding sources. Because money for both the assistance and compensation funds comes primarily from assessments against offenders, the level of funding can be extremely erratic. Federal grant funds have gone from \$2 million to \$8.5 million to \$5 million in successive years. This financial instability makes it difficult to plan precise victim service programs.

Evaluation and Accomplishments

In 2002, approximately 6,764 victims and witnesses were enrolled in the Victim/Witness Services Program, and approximately 3,869 victims and witnesses received official notification. The enrollment increase was due partially to education and substance abuse credit time cuts, and juvenile sex offender victim notification.

The Criminal Justice Institute has been administering victim service programs since 1986. In that time it has seen tremendous growth in the interest and commitment to victim services. We believe that even with all the research, programs and legislation that now surrounds victim services there is still lacking a solid assessment of whether the services provided for crime victims match the needs. To assist in answering this question, the Institute hopes to establish a standardized assessment of victimization in our state, including an assessment of the services crime victims need compared to the serviced currently being provided.

Plans for the Biennium

Several steps have been taken to enhance Indiana's victim compensation program, including an analysis of the victim compensation business process and the development of a database system with which to track compensation applications, facilitate eligibility decisions, make compensation payments, and maximize the efficient flow of work. The Institute charted a comprehensive public awareness and education campaign and these efforts were underscored in findings from an Institute planning survey conducted in December 2002 — 47% of citizens who are aware of Indiana's violent crime compensation program learned about it through a public service announcement, advertisements, or printed materials such as pamphlets and brochures. In addition, most citizens said they would turn to the justice system, a victim services agency, or a faith-based organization for questions and needs associated with crime victimization, including emotional, practical, and financial needs.



An evaluation of the Indiana Department of Correction's Victim/Witness Resource Services Program sponsored by the National Institute of Corrections (NIC) was conducted in March 2002. The Indiana DOC staff and NIC evaluators worked closely to develop the following four goals for this technical assistance project:

- Develop recommendations to improve the VWSP, utilizing existing resources.
- Review and assess VWSP operations and offer recommendations for improvement
- Address coordination issues among divisions within the DOC and the VWSP, as well as among the VWSP and other system- and community-based victim assistance programs.
- Identify other funding success to support the VWSP.

Based on that evaluation of the program, VWSP is finalizing plans to centralize its VWSP notification services at the Central Office in order to streamline the notification process and ensure that victims don't fall through gaps in the system and services. Also, the VWSP brochure was updated to include a description of the range of services offered by the program and how the program works, as well as referral information for other system and community-based services.

